



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Marine Resource Law by Ronan Long

Citation for published version:

Harrison, J 2009, 'Marine Resource Law by Ronan Long', *International and Comparative Law Quarterly*, vol. 58, no. 3, pp. 745-46. <https://doi.org/10.1017/S0020589309001286>

Digital Object Identifier (DOI):

[10.1017/S0020589309001286](https://doi.org/10.1017/S0020589309001286)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Published In:

International and Comparative Law Quarterly

Publisher Rights Statement:

© British Institute of International and Comparative Law. Harrison, J. (2009), Book Review: Marine Resources Law by Ronan Long, in *International and Comparative Law Quarterly*, 58, pp 745-746, doi: <http://dx.doi.org/10.1017/S0020589309001286> . Originally published online: <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=5917088>

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



International and Comparative Law Quarterly

<http://journals.cambridge.org/ILQ>

Additional services for *International and Comparative Law Quarterly*:

Email alerts: [Click here](#)
Subscriptions: [Click here](#)
Commercial reprints: [Click here](#)
Terms of use : [Click here](#)



Marine Resource Law by Ronan Long [Thomson Round Hall, Dublin, 2007, cv+840 pp, ISBN 978-1-85800-455-1, price not given (h/bk)]

James Harrison

International and Comparative Law Quarterly / Volume 58 / Issue 03 / July 2009, pp 745 - 746
DOI: 10.1017/S0020589309001286, Published online: 14 July 2009

Link to this article: http://journals.cambridge.org/abstract_S0020589309001286

How to cite this article:

James Harrison (2009). International and Comparative Law Quarterly, 58, pp 745-746
doi:10.1017/S0020589309001286

Request Permissions : [Click here](#)

conferred their nationality on their inhabitants' (page 211). In order to elaborate on this important observation, Dr Qafisheh really should have engaged in a more in-depth analysis of the law of state succession, inter-temporal law, the *raison d'être* of the Mandate system, Israeli law and international humanitarian law. This criticism is not, however, meant to detract from the overall merits of this study, which as a piece of legal scholarship is of the first order.

VICTOR KATTAN*

Marine Resource Law by RONAN LONG [Thomson Round Hall, Dublin, 2007, cv + 840 pp, ISBN 978-1-85800-455-1, price not given (h/bk)]

For many coastal States, the surrounding seas are a valuable asset. The sometimes turbulent waters of the world's oceans conceal a veritable treasure trove of natural resources. This book discusses some of the key legal and policy issues that are raised by the management of marine resources. The focus of the analysis is on Ireland which has jurisdiction over a maritime area more than ten times the size of its land territory. With this in mind, *Marine Resource Law* sets out to describe the current legal and policy framework for the management of marine resources in Ireland. At the same time, it seeks to stimulate discussion of the future challenges facing maritime policy-making in Ireland and beyond.

The premise of the book is that the management of marine resources requires diverse interests to be taken in account and balanced against each another. According to the definition adopted by the author, marine resource law is the body of law which provides the legal framework within which this balancing process takes place. As well as legal rules and principles, the book also considers the management policies underlying marine resource law, such as sustainable development, the precautionary approach, the ecosystem approach, and marine spatial planning. Whilst not strictly speaking constituting legal principles *per se*, the author asserts that they are nevertheless important as 'they are . . . capable of shaping the way the law is applied or interpreted by regulatory and judicial bodies' (para 1–52). In this vein, the author outlines the scope of these policies and describes the way in which they can influence current and future decision-making processes in Ireland.

Marine Resource Law begins with a historical background to the topic, including the major legislative and policy instruments put in place in Ireland between 1922 and 2006. The first chapter also analyses the current governmental framework for the regulation of maritime affairs in Ireland. Chapters two and three then describe in more detail the jurisdictional framework for marine resource law. These chapters consider both Irish law relating to the foreshore as well as the relevant principles of international law relating to the exercise of maritime jurisdiction by coastal states.

The remainder of the book is divided into individual chapters dealing with specific marine resources. It covers traditional marine resources, such as sea fisheries, aquaculture, and offshore oil and gas deposits, as well as resources which have only recently begun to be harnessed, such as marine aggregates and off-shore renewable energy. Separate chapters also deal with underwater cultural heritage, the protection of the marine environment, and marine scientific research, detailing how these issues relate to the utilization and management of marine resources. Although each chapter addresses a single marine resource, the author attempts to take an integrated approach to the topic so that each chapter considers the potential effects that the exploitation of one marine resource may have for the users of other resources.

Most of the chapters follow a similar pattern, beginning with basic background information followed by an in-depth consideration of the substantive legal framework. The author also describes which governmental bodies and institutions are responsible for the regulation of specific

* Teaching Fellow, Centre for International Studies and Diplomacy, School of Oriental and African Studies, University of London.

marine resources. The nature of the subject means that the author concerns himself not only with the relevant Irish law on the subject, but also with the European and international legal instruments which underpin the Irish legislation. It follows that the analysis encompasses a wide range of international, regional, and national legal instruments.

As the author acknowledges, marine resource law in Ireland has evolved in a fragmented fashion. The study demonstrates that such fragmentation arises in the legislative enactments, as well as in the governmental structures for their enforcement. Indeed, the fragmented nature of the legal framework for marine resources and the associated policy-making process is deemed to be one of its principal weaknesses. This is reflected in several proposals for reform by the author. For instance, he advocates the placing of marine spatial planning on a statutory footing in order to bring together all of the other management policies in a 'sophisticated and coherent decision making framework for managing interactions between various licensing authorities and marine resource users' (para 1–74). This framework should allow the management of the whole coastal zone, including the foreshore, in an integrated manner: (paras 2–83). The author also welcomes the proposal to establish a National Environmental Programme for Transitional, Coastal and Marine Waters to coordinate scientific research into marine pollution: (para. 10–153).

In the final chapter, the author takes a comparative approach to the topic, looking at recent developments in marine resource law and policy in the United States, Canada, Australia, New Zealand, the United Kingdom, Portugal, and Norway. Although these summaries by themselves are too succinct to provide any substantial insight into the legal framework of these countries, the survey nevertheless reveals that many other States have been struggling with problems of fragmentation in marine policy. Like Ireland, most of the countries included in the survey have traditionally pursued a sectoral approach to marine resources. It is also apparent that this is a field of law which is rapidly developing and the author notes that, at the time of writing, major legislative or policy reforms were anticipated in several of the jurisdictions considered. Indeed, since the publication of this book, the UK Government has introduced a Marine and Coastal Access Bill into Parliament which makes provision for a new public body (the Marine Management Organisation) to pursue the consistent and co-ordinated management of the marine resources in the UK marine area. The author uses these comparative materials as further support for advocating a new approach to the management of marine resources in Ireland. He concludes that 'state practice elsewhere suggests that there appears to be a strong case supporting adoption of a national oceans policy in Ireland similar to the initiatives currently underway in Portugal, the UK, Canada and Australia' (paras 12–25).

A major influence on maritime policy for Ireland as well other EU Member States is the possible development of a European Maritime Policy as put forward in the 2006 Communication from the Commission titled 'Towards a Future Maritime Policy for the Union: a European Vision for the Oceans and Seas' (Brussels, COM (2006) 275 final). Long is largely positive about this initiative as another way in which to improve coordination of maritime policies at both European and Member State levels: (para 12–10). The European Maritime Policy has now been supplemented by the Marine Strategy Framework Directive (Directive 2008/56/EC of 17 June 2008) which will clearly influence regional maritime policy within the EU over the coming years.

Ultimately, the unity of the marine environment means that greater integration is needed at all levels of policy-making in order to achieve the sustainable development of the oceans. *Marine Resource Law* is a welcome recognition of this necessity and its message can clearly be applied beyond Ireland.

JAMES HARRISON*

* Lecturer in International Law, Edinburgh Law School, the University of Edinburgh.